

## **REMARKS**

Claims 1-14 are rejected. Claims 15-26 are objected to. Claims 1, 6, 9, 11, 13, 16 and 23 have been amended. Claims 5, 7, 8, 10, 14 and 15 have been cancelled. Claims 59 and 60 have been newly added. Claims 1-4, 6, 9, 11-13 and 16-59 are presently pending in the application. Amended claim 1 corresponds to claim 15 written in independent form. The basis for newly added claim 59 can be found on pages 42-43, paragraph 161 of the specification as originally filled. The basis for newly added claim 60 can be found on page 20, paragraph 080. Favorable reconsideration of the application in view of the following remarks is respectfully requested

### **Restriction under 35 U.S.C. § 121:**

In paragraphs 1-5 of the Office Action the Examiner has required restriction between Group I, claims 1-26, drawn to a fuser member, and Group II, claims 27-58, drawn to a composition. The Examiner indicates that the intermediate product is deemed to be useful as a precursor for a self-supporting film and the inventions are deemed patentably distinct since there is nothing on the record to show them to be obvious variants. The Examiner states that these groups are distinct and have acquired separate statuses in the art as shown by their different classifications, and therefore restriction is proper. This restriction requirement is respectfully traversed.

It is unclear that the instant invention's intermediate product would suffice as a precursor for a self-supporting film. Paragraphs 136-144 of the specification as originally filed indicate that the fusing member of the present invention is used in conjunction with a base and a support. Therefore, the instant invention would likely not be useful as a precursor for a self-supporting film. Furthermore, coextensive searching of the two Groups would not prove seriously burdensome to the Examiner, but would instead be most efficient. Therefore, it is respectfully requested that the Restriction Requirement be reconsidered and withdrawn and that all claims now pending be examined.

In order for this response to be complete, Applicants confirm the telephone election, made with traverse, of April 14, 2005 and hereby elects to prosecute the invention of Group I, claims 1-26.

**Specification objection:**

In paragraph 7 of the Office Action the Examiner objects to the disclosure because copending applications are not referenced by their U.S. application serial numbers. Applicants have amended the specification such that the copending applications are now referenced by their U.S. application serial numbers. Therefore, it is respectfully requested that this objection be withdrawn.

**Rejection of Claims under 35 U.S.C. § 102:**

In paragraph 9 of the Office Action the Examiner has rejected claims 1-14 under 35 U.S.C. § 102 (b) as being anticipated by Satoh et al. (U.S. Patent 5,547,742). The Examiner indicates that Satoh et al. discloses a fuser roll with a surface layer comprising a fluorosilicone rubber and a fluororesin. The Examiner states that fluorosilicone rubber is a fluoroelastomer because the broadest reasonable interpretation of fluoroelastomer is a fluorine containing elastomer. This rejection is respectfully traversed.

Satoh et al. fails to disclose a fuser member with a fusing surface layer containing an elastomer discontinuous phase of perfluoropolyethers or fluoroelastomers dispersed through a fluoroelastomer continuous phase as disclosed in the present invention as amended. The Examiner indicates Satoh et al. does not anticipate claim 15 as originally filled. A limitation of similar breadth is now incorporated into independent claim 1. Accordingly, Satoh et al. does not anticipate all of the present invention's claimed limitations. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

In paragraph 10 of the Office Action the Examiner has rejected claims 1, 2, 4, 5, 7-9 and 11-14 under 35 U.S.C. § 102 (b) as being anticipated by Chen et al. (U.S. Patent 5,599,631). The Examiner indicates that Chen et al. discloses a fuser roll having an outer layer comprising a continuous fluorocarbon

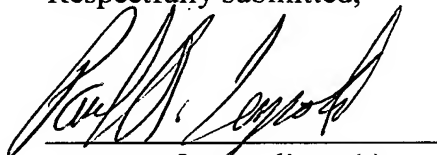
elastomer phase and a discontinuous phase of a fluorinated resin. However, Chen et al. does not disclose nonfibrillatable and autoadhesive plastic particles with a mean particle diameter of from about 0.1- 20 microns as disclosed in the present invention as amended. The Examiner indicates Chen et al. does not anticipate claims 10 and 15 as originally filed. Limitations of similar breadth are now incorporated into independent claim 1. As a result, Chen et al. does not anticipate all of the present invention's claimed limitations. Therefore, it is respectfully requested that this rejection be reconsidered and withdrawn.

In paragraph 11 of the Office Action the Examiner states that claims 15-26 would be allowable if rewritten in independent form. In paragraph 12 of the Office Action the Examiner states that neither Satoh et al. nor Chen et al. teach or fairly suggest a fuser member with an elastomer discontinuous phase of silicone, perfluoropolyether, or fluoroelastomer to the fluoroelastomer continuous phase in addition to at least about 25 vol% of polytetrafluoroethylene having a number average molecular weight of about 25,000 to 250,000. Applicants greatly appreciate this indication, and have amended the claims to provided claims of similar breadth. Amended claim 1 differs from claim 15 as originally filed in that the fluoroelastomer is not limited to polytetrafluoroethylene, but also includes the group of fluoroelastomers in claim 7 consisting of polytetrafluoroethylenes, fluorinated ethylene propylenes, copolymers of tetrafluoroethylene and perfluoroalkyl vinyl ether. Amended claim 1 is narrower than claim 15 as originally filed in that silicones are excluded from the group of possible discontinuous phase elastomers. Amended claim 1 is further narrowed by the limitation on particle diameter as disclosed in claim 10 with the exception that the fluoroelastomer is not limited to polytetrafluoroethylene, but also includes the group of fluoroelastomers disclosed in claim 7 listed above. It is urged that the fluoroelastomer need not be limited to polytetrafluoroethylene for the claims to be allowable. Neither reference discloses a fuser member with an elastomer discontinuous phase of perfluoropolyether or fluoroelastomer to the fluoroelastomer continuous phase in addition to at least about 25 vol% of a fluoroelastomer consisting of, polytetrafluoroethylenes, fluorinated ethylene propylenes, copolymers of tetrafluoroethylene or perfluoroalkyl vinyl ether having a number average molecular weight of about 25,000 to 250,000 and a mean particle diameter of from about 0.1-20 microns. Furthermore, Applicants

have substantially complied with the Examiners indication, and have greatly narrowed the present claims. The present invention provides a novel contribution to the art, and, in all fairness, the inventors should be entitled to the full breadth of coverage of their contribution to the art as presently claimed.

Therefore, it is respectfully requested that the above amendments be entered, the rejections be reconsidered and withdrawn, and that an early Notice of Allowance be issued in this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul A. Leipold", is written over a horizontal line.

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.